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COUNSEL FOR DEBTOR

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

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|----------------------------------|-----------------------------------|
| IN RE: | § |
| | § |
| D & D HOSPITALITY LLC | § CASE NO: 11-43153-BTR-11 |
| | § |
| Debtor in Possession | § CHAPTER 11 |

**MOTION PURSUANT TO RULE 3020(a), BANKRUPTCY RULES
FOR DEPOSIT OF FUNDS PRIOR TO CONFIRMATION**

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN
OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY
COURT FOR THE EASTERN DISTRICT OF TEXAS, SUITE 300B, 660 NORTH CENTRAL
EXPRESSWAY, PLANO, TEXAS 75074 BEFORE 4:00 O'CLOCK P.M. WITHIN TWENTY-
ONE (21) DAYS FROM THE SERVICE OF THIS MOTION AND SERVED UPON THE
PARTY FILING THIS MOTION WITHIN TWENTY-ONE (21) DAYS FROM THE DATE
OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING
SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS
PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER
AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND
SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING.
IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN.
THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

TO THE HONORABLE BRENDA T. RHODES, BANKRUPTCY JUDGE:

COMES NOW, D & D HOSPITALITY LLC., debtor in possession in the above captioned
case and files this Motion Pursuant to Rule 3020, Bankruptcy Rules and in support thereof would
respectfully show the Court as follows:

1. Debtor filed its voluntary petition under Chapter 11, Bankruptcy Code on September
2, 2011. On January 9, 2012 Debtor filed its plan of reorganization ("Plan"). Under its terms, the Plan
is to be funded from the revenues generated by Debtor's business and capital contributions from third
parties who will purchase the equity interest in Debtor. The Plan contemplates an initial contribution

of a total of \$200,000.00 for purchase of the new equity interests in Debtor provided for under Debtor's Plan. Debtor's Plan further provides for a substantial distribution to creditors in the amount of approximately \$143,000.00 on the Effective Date of the Plan to be funded from the contemplated capital contribution being made by the new equity interest holders.

2. Debtor believes that any competing plan which may be filed shall also provide at a minimum similar if not identical capital contribution and disbursement provisions to be made on the Effective Date.

3. Because of the substantial amount of distribution contemplated upon the Effective Date which is wholly dependent on third party capital contributions to fund the distribution, Debtor moves this Court for an order requiring that the Debtor and any competing plan proponent deposit in a special account set up by the Debtor in possession the funds necessary to make the initial disbursements on or before the Effective Date at least fourteen days prior to the confirmation hearing date to ensure the availability of the funds for distribution and therefore the feasibility of the proposed plan..

WHEREFORE PREMISES CONSIDERED, Debtor prays that that this Court enter an order requiring that all plan proponents deposit in a special account funds equal to the amount contemplated to be distributed on or before the Effective Date of the respective proponent's plan and that it grant Debtor such other and further relief to which Debtor shows itself to be justly entitled.

Respectfully submitted,

/s/ John J. Gitlin
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 13, 2012, a true and correct copy of the above and foregoing instrument was served on all parties entitled to receive electronic notice and to all other parties listed on Exhibit A and not entitled to such notice by sending this Motion via United States Mail on February 14, 2012.

/s/ John J. Gitlin
John J. Gitlin